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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,218

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Erik Houbolt

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

01/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,218	Applicant(s) HOUBOLT ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: the phrase “the pivot axis is arranged such that a force component applied perpendicularly to the cutting direction is distributed to the device and the guard at a ratio that remains substantially constant for different angles of the handle with respect to the shaving head” should be replaced with “the pivot axis is arranged such that a force component applied perpendicularly to the cutting direction through the pivot axis is distributed to the device and the guard at a ratio that remains substantially constant for different angles of the handle with respect to the shaving head”. As written the force and the pivot axis do not have to interact and therefore the force does not have to travel through the pivot axis. An unrelated force could be applied that would cover this limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, the phrase “the force component is distributed in at least essentially equal parts for different angles of the handle” is unclear. Claim 1 discloses the force is distributed in equal parts therefore it is unclear what structure allows the forces to

become unequal or essentially equal. As disclosed before, essentially equal and equal are not the same thing. Essentially equal may be close to being equal but is still unequal.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-6, and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avidor (5,933,960) in view of Zucker (6,442,840) and Apprille, Jr. (5,661,907).

With regards to claims 1 and 18, Avidor discloses the invention including at least one cutting blade (Fig. 16), an actively drivable device arranged behind the cutting blade relative to a cutting direction (122), a guard arranged in front of the cutting blade (104), a pivot axis between the shaving head and a handle attached to the shaving head (132), the pivot axis being arranged at least essentially parallel to the cutting blade (132), the pivot axis is arranged such that a force component applied perpendicularly to the cutting direction is distributed the stretching and guard means (132), and the pivot axis is arranged such that a force component applied perpendicularly to the cutting direction is distributed to the device and the guard at a ratio that remains substantially constant for different angles of the handle with respect to the shaving head (Fig. 17).

With regards to claims 2 and 4-6, Avidor discloses at least one spring element (150), the guard capable of performing a hair erecting/lubrication function (104), and the guard comprises at least one strip arranged parallel to the cutting blade (104).

With regards to claims 9-11, Avidor discloses the pivot having a coupling arranged to couple the shaving head to the handle (132), the device has at least one actively drivable roller (122), and wherein a direction of rotation of the roller when active corresponds to the cutting direction (122).

With regards to claims 12-17, Avidor discloses the device is driven via a movement over skin (122), the stretching device is driveable by an electromotor (column 10 lines 20-23), the motor is associated with the shaving head/handle (column 10 lines 20-23 and Fig. 13), a second coupling for coupling the device to the motor (column 10 lines 20-23), and the pivot axis is arranged at a middle position (Fig. 17).

However, with regards to claims 1, 9, 10, 12, 13, and 16, Avidor fails to disclose the actively drivable device is a skin stretching device.

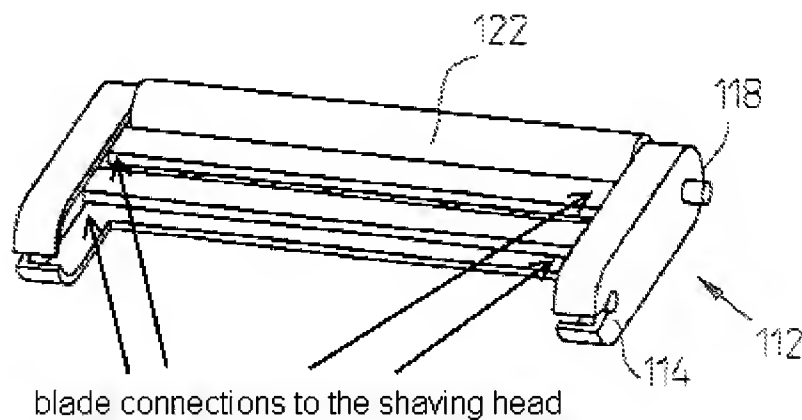
Zucker teaches it is old and well known in the art of shaving devices to incorporate 2 rollers that cooperate to stretch the skin (Column 5 lines 14-28). Therefore, it is well within ones technical grasp to have substituted roller 122 with a roller that would cooperate with guard 104 to stretch the skin. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have replaced the roller of Avidor with a skin stretchng roller, as taught by Zucker, because the substitution of one known element for another would have yielded predictable results and all claimed elements were known in the prior art and one skilled in the art

could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

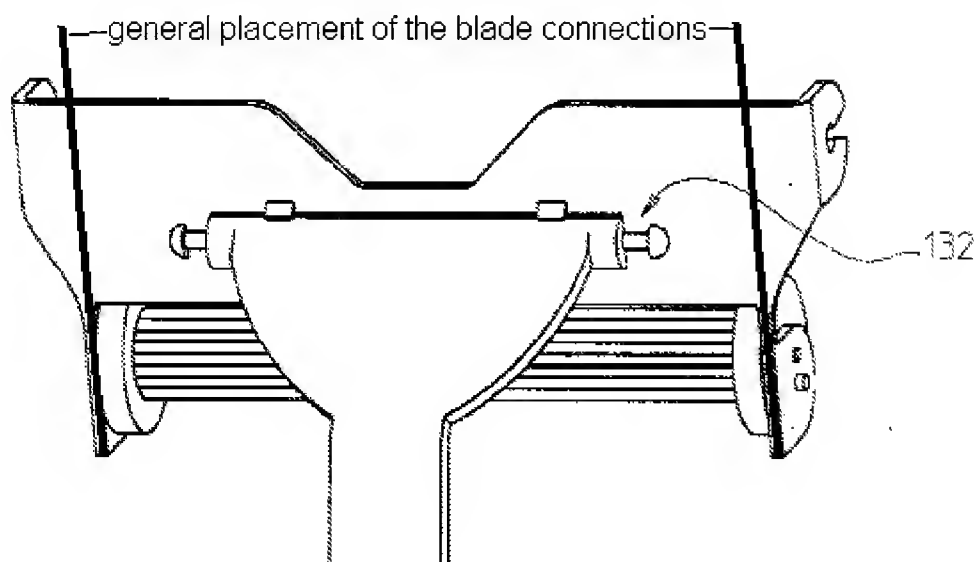
However, Avidor, as written above, discloses a force is distributed to the stretching device and the guard but Avidor fails to disclose the force is distributed equally to the stretching device and the guard.

Apprille Jr. teaches it is old and well known in the art of pivoting razor heads to balance out the force distribution based on the position of the pivot axis (column 2 lines 32-36 and column 7 lines 48-65). In light of Apprille Jr., it would have been well within one technical grasp to have balance out any two working portions designed to interact with the skin. In other words, it would have been obvious in Avidor to have moved the pivot axis 132 to a spot on the back of the razor to allow the forces to distribute equally to 104 and 122. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have distributed forces equally to the stretching device and the guard, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Therefore, it would have been an obvious matter of design choice to modify the device of Heller to obtain the invention as specified in claim 1. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within technical grasp. If this leads to the anticipated success, it is likely the product is not of innovation but of ordinary skill and common sense.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Avidor in view of Zucker. See rejection above for the overlapping disclosure between claims 1 and 19. With regards to the newly added portions, Avidor discloses a shaving head 130 and 112, two cutting blades (Fig. 16), and the pivot axis is arranged between where the two cutting blades are coupled to the shaving head (see Figures below).



The blades are coupled to the outer edges of the shaving head.



The added dark lines represent roughly where these blade couplings are located to illustrate the pivot axis 132 is clearly between the where the two blades are coupled to the shaving head.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 2, 4-6, and 9-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Jason Daniel Prone/

Primary Examiner, Art Unit 3724